

TOWN OF WEARE
PLANNING BOARD
15 Flanders Memorial Rd - PO Box 190
Weare NH 03281
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October 28, 2010 - Meeting Minutes
FINAL COPY

PRESENT: Craig Francisco, Chairman; Neal Kurk, Secretary; George Malette, Thomas Clow, Dani-Jean Stuart, Frank Bolton, Chip Meany, Land Use Coordinator, Sheila Savaria, Recording Secretary

GUESTS: Frank Campana, Art Siciliano, Bob Huettner, L. A. Gordon, Arianna Gordan, Michael Dahlberg, LLS, Earl Sandford LLS, PE, Joseph Tyler Hoppock, Ken Crawford, Jerry Haynes, Mary Graves, Daniel Muller, Roger Keilig, Steve Elliott, Elliot Case, Billy Skaleris, Chris Byer, William Dalgliesh, III

I: CALL TO ORDER:

Chairman Craig Francisco called the meeting to order at 7:00 pm at the Weare Town Office Building.

II: PUBLIC HEARINGS:

Site Plan Review Continuation
21 B&B Lane, LLC
Tax Map #411-194

Since this hearing was continued from June, the ZBA granted a special exception for their operation, it was determined that tannins were not an issue, and a sound survey was conducted. Roger Keilig distributed plans to the board showing the proposed drainage swale. The objective of the plan is to take advantage of the swale through use of curbing and pavement grading that will cause the water to flow in the direction of it, which will then flow into a fire pond, and then into a brook. The double tapered berm is 2-3" inches, and the others are standard 3-4" Cape Cod berms. Mr. Keilig feels that type of berm is sufficient to handle seasonal high waters and direct the water into the swale. Mr. Keilig's calculations for seasonal high water totals are estimates, he does not have hard data to confirm them

In regards to sound, Earl Sandford of Sandford Engineering explained that he came up with a scope because there are not a lot of sound surveys to compare to. Mr. Sandford explained how he conducted his tests, and passed out graphs of results to the members of the board. Before the tests were conducted, he took sound readings to establish a baseline, and made sure the tub grinder was operational. Mr. Sandford discussed the summary of different tests, and said that if you put something physical in the line of sound, it knocks it down significantly. Mr. Sandford concludes by saying that there is no health issue until the decibel levels are in the 80s-90s in terms of OSHA requirements and the noise being detrimental to your hearing. He goes on to say "The sound level measurements being consistently and significantly less than 90 decibels clearly indicate that the tub grinder does not pose an occupational health risk to abutters based on OSHA 1910 permissible exposure limits. The town of Weare site plan review regulation states that the purpose of the regulations argue against such conditions that would involve danger or injure to health, safety, or prosperity by reason of undesirable and preventable elements of pollution, such as noise, which might detrimentally affect persons, structures, or other properties. As the tub grinder contributes less than 60 decibels to the nearest residence, and as it contributes less than other long-standing activities in the industrial park, being topped by the saw mill, fabrication, truck traffic, etc., it would appear to be, in my opinion, equitable and possibly prejudicial to hold the subjects site to a higher standard than others in the induspark. Also, as noise is subjective, and there is no known precedence, setting a noise level without an exhaustive trial study could come across as an arbitrary action."

Mr. Sandford's recommendation is that the Planning Board work with the owner of the site to implement an

operations plan which incorporates the strategic placement of stock pile and/or trucks around the grinder to attenuate the noise from the tub grinder. Mr. Bolton points out that the neighbors are not satisfied with the noise, and he understand why, and says the operation would have to comply with zoning ordinances including 3.2. He adds that he hopes the Planning Board can come up with something to help the people who are annoyed with the noise. Mr. Sandford replied that he recommends the piles to help with the noise problem.

Charles Cleary told the board that they can propose an operational procedure or standards for them to consider that would provide a reasonable sound attenuation plan and hours of operation. Tom Clow points out that the hours of operation could be defined in different ways, and that the tub grinder hours may be different from trucking hours. Mr. Cleary asked the board to keep in mind that this is an industrial zone and it can't be turned into residential. Neal Kurk asked if the paved area, which he understands to be a structure, is at least 30 feet from the side and back lines of the property as required. Mr. Cleary said they have not concluded that pavement is a structure, and there is a section that is slightly over. Frank Bolton recommended moving the tub grinder further back in the property to keep the noise down, and Mr. Cleary said it had to be relatively close to the piles. Mr. Kurk asked if planting in the 30' strip surrounding the paved area would attenuate the noise better than the mulch piles Mr. Sandford suggested. Mr. Sandford replied by saying it wouldn't work well because there is 14 feet of embankment that rises, and Mr. Haynes would be planting on the base. The first 14' of growth isn't doing much at all. The advantage of the piles is that they are closer to the machine so the precludable line of site is much more blocked, rather than plantings on the edge.

Comments from the Public:

Jack Dearborn - Mr. Dearborn says there is not a lot of storage capacity in the swale plan and he thought there would be the ability to store water and absorption. He asks if this will afford, in a downpour, any real reservoir for absorption? If it doesn't, Mr. Dearborn feels the principle for retaining another manner for keeping the water on the site for absorption into the aquifer has been defeated, and it does not meet the intention of the zoning. In terms of noise, Mr. Dearborn says that you can contribute 10 dB to the tub grinder, and the tests do not take the loss of foliage into consideration. He recognizes he lives across the street from an industrial park; his issue is primarily the hours of operation. He is concerned with the non-working hours when people are at home unwinding, and not the noise during the day. The issue he has is not with the trucks going in and out, it's the unloading of the trucks and the sound of the diesel trucks running that is the problem. Mr. Dearborn suggested using an acoustic curtain to dampen the noise, which can be made to any height and width.

Daniel Muller - Mr. Muller is the Graves' lawyer. Mr. Muller discussed the buffer in terms of noise and aesthetics. In terms of noise, Mr. Muller points out that the testing was done at a time when there is fall foliage. He tells the board that Ms. Graves disagrees that the humming noise that tub grinder is said to make is what she is hearing. If evergreens were planted, it could potentially solve the aesthetics and noise problems. Mr. Kurk asked if hours of operation were established, would that solve the Graves' problems. Mr. Muller said the problem is that the noise is continuous, so it won't cure everything.

Matt Shapiro - Mr. Shapiro points out that there are no U.S. Government standards for tannins so that shouldn't be an issue. In terms of hours of operation, if the hours are cut back, he feels the taxes should be cut back. Business owners bought property there so they could run a business, not be cut back on hours. There is no sound ordinance in the town of Weare, so that shouldn't be an issue either. Since Mr. Haynes business isn't running fully, surrounding businesses are losing money too.

Mr. Cleary added that they are willing to balance and be fair between the residential and business aspects. They will submit operating hours and procedures and sound barrier information to be reviewed by Wilcox and Barton. Mr. Cleary hopes to have everything submitted and reviewed so they can appear before the board again for the November 18 meeting. The board agreed to allow Mr. Haynes to bring in raw product to store for the winter and work with in the spring at a rate of 5 loads in and only 1 grinded between now and the November 18 meeting.

Tom Clow moved to continue this case until the November 18 meeting; George Malette seconded.

Discussion: Neal Kurk is concerned about what the town's expert is going to do. The issues that need answers are:

- To what extent are tannins and other pollutants going to be eliminated as per the Zoning Boards decisions?
- How much of the runoff will be percolating into the ground on the side, and how much will be going down into the swale and out?
- Whether or not the swale is designed in such a way that it can handle the 1 inch per hour runoff in the spring when the soil is saturated without increasing the tannin runoff from the property.

The board agreed that Wilcox and Barton should be present at the next meeting. All members voted in favor.

III: OTHER BUSINESS:

Amended Driveway Request – Tris Gordon, Tris Contsturction– Mr. Gordon is requesting to build 3 driveways to 3 lots on Twin Bridge Road. He submitted plans to the board, but has a preferred plan that would impact the wetland and buffer a lot less. If approved, Mr. Gordon would discontinue the easement that is in place. The building permit can be issued but the driveway approval would be a contingency for occupancy. Neal Kurk and Frank Bolton feel the abutters should be notified. Chairman Francisco doesn't think it's necessary since they are applying for driveway permits and not changing approved subdivision plans.

Tom Clow moved to continue the case until the November 18 meeting, in which Mr. Gordon should present an updated plan without the easement and showing the proposed placement of the driveway; George Malette seconded, all voted in favor.

Bunton Subdivision – Continued from the September 23 meeting, requesting a 2 lot subdivision on the east side of Route 114.

Neal Kurk moved that the application for the subdivision be approved with the condition that the DES subdivision and DOT driveway permits be approved; George Malette seconded, all voted in favor.

Minutes: Frank Bolton moved to accept the October 14 minutes as amended; Tom Clow seconded, all members voted in favor except George Malette, who abstained.

IV: ADJOURNMENT:

As there was no further business to come before the board, Tom Clow moved to adjourn the meeting at 10:15 pm; George Malette seconded, all voted in favor.

Respectfully submitted,

Sheila Savaria,
Recording Secretary